

COUNTY OF YORK

MEMORANDUM

DATE: September 3, 2002 (BOS Mtg. 9/17/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-603-02, Earl & Virginia Young

ISSUE

This application requests a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling. The accessory apartment is to be located on the second floor of an existing detached garage constructed on property located at 114 Fishermans Cove and further identified as Assessor's Parcel No. 25-429.

DESCRIPTION

- ? Property Owner: Earl L. and Virginia S. Young, Trustees
- ? Location: 114 Fishermans Cove
- ? Area: 9.27 acres
- ? Frontage: Approximately 490 feet on Fishermans Cove
- ? Utilities: The property is currently served by public water and an individual septic system. Public sewer to serve the area is under construction and will be utilized to service the apartment unit.
- ? Topography: Flat
- ? 2015 Land Use Map Designation: Low-Density Residential
- ? Zoning Classification: RR - Rural Residential
EMA - Environmental Management Area Overlay
- ? Existing Development: Single family detached home and garage
- ? Surrounding Development:
 - North: Chisman Creek; Single Family Detached Residential Beyond
 - East: Single Family Detached Residential
 - South: Single Family Detached Residential
 - West: Single Family Detached Residential

- ? Proposed Development: Detached accessory apartment in conjunction with a single-family detached dwelling.

CONSIDERATIONS/CONCLUSIONS

1. Accessory apartments are permitted as a matter of right in the RR zoning district, but because the proposed size of the accessory apartment (900 square feet) exceeds the limits prescribed in Section 24.1-407(c) of the Zoning Ordinance (450 square feet or 25% of the total floor area of the principal dwelling, whichever is less), a special use permit is required. The Comprehensive Plan designates this area for low-density single-family residential uses.
2. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
3. The applicant wishes to convert the second floor of an existing detached garage into guest quarters that would serve as a living area for visiting family members and guests. The downstairs of the garage will be used primarily for vehicle storage. The proposed apartment would include a living area, bedroom, small kitchen area, and bathroom (see attached sketch plans). The stairwell entry to the unit will be accessible to the downstairs garage area. According to the applicant's current building plans, the total area of the accessory apartment will not exceed 900 square feet, which represents approximately 31% of the size of the principal dwelling. The principal dwelling is approximately 2,930 square feet in floor area. This application is comparable to other accessory apartment applications approved in the RR district.
4. The property's northern boundary abuts Chisman Creek, and the parcel is partially located within the EMA Environmental Management Area overlay district by virtue of its location within the Chesapeake Bay Resource Protection Area and Resource Management Area. The recently constructed garage is located within the 50' RPA buffer area. The current structure replaced a pre-existing shed and was permitted as a garage/storage building pursuant to approval of Chesapeake Bay Waiver Application No CB 259-W, granted on July 27, 2001. Since the footprint of the structure will not be increased if it is used as an accessory apartment, there will be no change in its impact on the RPA buffer area.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on August 14, 2002 and, subsequent to conducting a public hearing at which no one spoke, voted 5:0 to recommend approval.

RECOMMENDATION

I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I recommend that the Board of Supervisors approve the application through the adoption of proposed Resolution No. R02-167.

Carter/3337:AMP
Attachments:

- ? Excerpts of Planning Commission minutes, August 14, 2002
- ? Zoning Map
- ? Site Map
- ? Floor plans and photos of garage building
- ? Proposed Resolution No. R02-167